

**REMARKS**

The Examiner rejected claims 1 and 15 as being obvious over Miramontes in view of Japanese publication JP 2004-140434. Applicant disagrees, and notes that the following discussion of the Japanese reference is based on GB 2 394 381 to Yamaguchi, which was provided by the Examiner and appears to be the English language equivalent of JP 2004-140434.

Claims 1 and 15 are directed to an electronics device having a main body and a flip connected to the main body. The flip has first and second user input interfaces disposed on opposing sides of the flip. The flip is rotatable about a first axis of rotation between open and closed positions, and rotatable about a second axis of rotation generally perpendicular to the first axis of rotation. One or the other of the opposing sides of the flip faces outward when the flip is in the closed position.

The primary reference, Miramontes, discloses a telephone having a fold out keyboard movable between open and closed positions. In the closed position, a number keypad faces outward towards the user to allow the user to perform functions such as the dial phone numbers of remote parties. In the open position, a full "QWERTY" keyboard is exposed to the user to allow the user to enter alphanumeric messages for transmission to the remote parties.

As the Examiner admits, Miramontes does not teach or suggest that the fold out keyboard is designed or structured to rotate about a second axis as required by claims 1 and 15. Therefore, the Examiner cites Yamaguchi because it discloses a mobile telephone having a flip that does rotate about two axes. However, Miramontes teaches away from the proposed combination.

According to Miramontes, the position of the flip (i.e., open or closed) determines the operating mode of the device. *Miramontes*, Figure 3; p. 4, ¶[0026]. Thus, when open, the device operates to allow the user to browse the Internet or send short messages. When closed,

the device operates to allow the user to make voice calls. Modifying the keyboard to rotate about the second axis as taught by Yamaguchi would render the Miramontes device inoperable for its intended purpose. In other words, rotating the keyboard flip about the second axis necessarily maintains the keyboard in the open position. As such, the Miramontes device would not enter the voice communications mode intended for use with the numbered interface.

Applicant notes that Yamaguchi detects the position of the housings as they rotate relative to each other. However, Yamaguchi only detects rotation to enable/disable one of a plurality of cameras (20, 21) included with the mobile telephone. *See e.g. Yamaguchi*, Figure 5. This detection is irrelevant to the claimed invention and to Miramontes because the Yamaguchi user controls are always accessible regardless of the housing position.

In simple terms, Miramontes teaches away from the proposed combination with Yamaguchi. Therefore, neither reference can teach or suggest, alone or in combination, claims 1 or 15. The §103 rejection of claims 1 and 15, and their dependent claims, fail as a matter of law and must be withdrawn.

In addition, there is another reason why the §103 rejection of claim 1 fails. Specifically, claim 1 calls out a third input interface on the main body of the electronic device. The third input interface is positioned to be at least partially covered by the flip when the flip is in the closed position. The Examiner alleges that the buttons (4) shown in Figures 1-2 of Miramontes constitute the requisite third input interface; however, this allegation contradicts Miramontes. According to Miramontes, the buttons (4) are navigational buttons that are fully accessible regardless of whether the device is in the open or the closed positions. *Miramontes*, p. 4, ¶ [0026]; Figures 1, 2.

There is no third user input on the main body of the Miramontes device positioned to be at least partially covered by the flip when the flip is in the closed position. Yamaguchi also fails

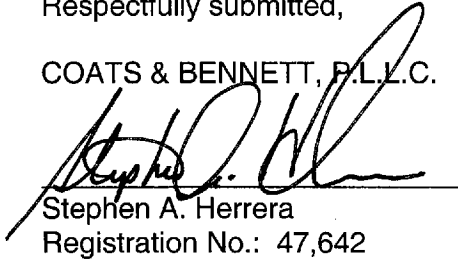
to disclose the requisite third user input, and the Examiner never asserts that it does.

Therefore, the §103 rejection of claim 1 and its dependent claims fails for this additional reason.

In light of the foregoing remarks, Applicant respectfully requests allowance of all pending claims.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Stephen A. Herrera", is written over a horizontal line. The signature is fluid and cursive.

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